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September 5, 2007

**JOINT LETTER TO JUDGE ROBINSON**

Honorable Stephen C. Robinson  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Room 633  
White Plains, NY 10601

Re: Rose v Carey Limousine Westchester, Inc., et al  
Case No.:07 CIV 3882 (SCR)

Dear Judge Robinson:

Please be advised we represent the plaintiffs in the above matter, Mr. & Mrs. Douglas L. Rose, Sr., and the Law Office of David S. Klausner represents the defendants Carey Limousine Westchester, Inc., Carey International, Inc., and Mr. Ismail Arslanbas. In accordance with the Notice of Requirement to Submit a Scheduling Order, please accept this as our joint letter under your rules.

**BRIEF DESCRIPTION OF THE CASE**

On June 6, 2004, plaintiff Douglas R. Rose, Sr. was a passenger in a vehicle owned by defendants Carey Limousine Westchester, Inc. and Carey International, Inc.. The vehicle was being driven by defendant Mr. Ismail Arslanbas. While driving said vehicle on the Van Wyck Expressway, Mr. Arslanbas lost control of the vehicle, causing it to crash in to the median in the middle of the Expressway, causing Mr. Rose to be thrown about the vehicle, sustaining multiple injuries.

Mr. Rose is a resident of Connecticut, and was a resident of Connecticut at the time of this accident. The basis of the jurisdiction is diversity.

**DEFENSES**

Defendants contend the accident occurred while the driver, Ismail Arslanbas, was safely operating his motor vehicle at or below the posted speed limit. At the point where the Van Wyck Expressway meets the Jackie Robinson Parkway the right lane becomes exit only. Defendants contend Mr. Arslanbas signaled to merge left and while slowly merging the vehicle to the left, it hydroplaned causing the vehicle to temporarily lose traction. Defendants contend Mr. Arslanbas acted reasonably in response to an emergency situation and brought the vehicle to a safe stop after the drivers side

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made contact with the center median. Defendants contend, upon information and belief, that the plaintiff was not wearing the available passenger restraint at the time of the accident, and that the plaintiff did not report any physical complaints or injuries at the scene of the accident.

ANY CONTEMPLATED MOTIONS

No motions are contemplated by the plaintiffs or defendants at this time.

THE PROSPECT FOR SETTLEMENT

The plaintiffs would agree to engage in appropriate mediation proceedings in an effort to try to resolve this dispute. Defendants would consider appropriate non-binding mediation proceedings following completion of discovery including evaluation of medical records, depositions and medical examination of the plaintiff.

Thank you.

Very truly yours,

/S/

**DANIEL G. HEPPNER, ESQ.**  
RUSK, WADLIN, HEPPNER  
& MARTUSCELLO, LLP

/S/

**DAVID S. KLAUSNER, ESQ.**  
LAW OFFICE OF DAVID S.  
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